

STATE OF CONNECTICUT – COUNTY OF TOLLAND  
INCORPORATED 1786



# TOWN OF ELLINGTON

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[www.ellington-ct.gov](http://www.ellington-ct.gov)

LORI L. SPIELMAN  
First Selectman

JAMES M. PRICHARD  
Deputy First Selectman

SARAH D. COOK  
MELINDA M. FERRY  
DAVID E. STAVENS  
RONALD F. STOMBERG  
JOHN W. TURNER

BOARD OF SELECTMEN  
Monday, April 15, 2019  
Town Hall Meeting Hall

## MINUTES

**SELECTMEN PRESENT:** Lori Spielman, Sarah Cook, James Prichard, John Turner, David Stavens, Ronald Stomberg, Melinda Ferry

**OTHERS PRESENT:** Timothy Webb, Director of Public Works/WPCA Administrator; Felicia LaPlante, Acting Finance Officer/Treasurer; Susan Phillips, Hall Memorial Library Director; Sgt. Brian Santa, Resident State Troopers' Supervisor; Jay Rich, Chief, Ellington Volunteer Fire Department; Gordon Oliver, Chairman, Parks and Recreation Commission; Tom Palshaw, Peg Busse, Aaron Foster, Jena Luginbuhl, Tom Savage, Jackie Nappo, Journal Inquirer

### **I. CALL TO ORDER**

The Board of Selectmen (BOS) meeting was called to order at 7:03 P.M. by First Selectman Spielman.

### **II. PLEDGE OF ALLEGIANCE**

**III. CITIZENS' FORUM** (Non agenda items): No citizens came forward

### **IV. APPROVAL OF MINUTES**

A. Town Meeting – February 11, 2019

MOVED (TURNER), SECONDED (STAVENS) AND PASSED UNANIMOUSLY TO APPROVE THE TOWN MEETING MINUTES OF FEBRUARY 11, 2019.

B. Board of Selectmen Regular Meeting – March 11, 2019

MOVED (TURNER), SECONDED (FERRY) AND PASSED UNANIMOUSLY TO APPROVE THE BOARD OF SELECTMEN REGULAR MEETING MINUTES OF MARCH 11, 2019.

C. Board of Selectmen Special Meeting – March 21, 2019

MOVED (TURNER), SECONDED (STAVENS) AND PASSED [AYE: TURNER/STAVENS/FERRY/PRICHARD/STOMBERG; ABSTAIN: COOK] TO APPROVE THE BOARD OF SELECTMEN SPECIAL MEETING MINUTES OF MARCH 21, 2019.

**V. UNFINISHED BUSINESS:**

**A. Crystal Lake Sailing Club Regatta Permit Application**

MOVED (TURNER), SECONDED (FERRY) AND PASSED UNANIMOUSLY TO APPROVE THE 2019 APPLICATION FOR A REGATTA PERMIT, AS SUBMITTED BY THE CRYSTAL LAKE SAILING CLUB.

**B. Offer to Purchase Town-owned Property – 14 Cherrywood Drive**

Mr. Turner asked if there were any abutters to 14 Cherrywood Drive present that would like to address the BOS. No one came forward.

Mr. Stomberg reminded the BOS that at the March 21, 2019 Special Meeting he had encouraged Ms. Spielman to see if there was higher value to the property than \$14,000, and he wondered if she was able to get the price up.

Ms. Peg Busse, 37 Abbott Road, questioned if any attempt was made at getting a better price. Ms. Spielman stated that she did attempt to negotiate a higher price; however, the buyer declined to offer more.

Mr. Tom Savage, 59 Middle Road, said that he negotiated this deal on behalf of his daughter, Jena Luginbuhl, and he had originally offered \$10,000. He said that Ms. Spielman did not entertain that offer because the Assessor had said that the property was worth more. He added that Ms. Spielman asked him to bump his offer up. Mr. Savage said he then offered \$14,000 and when Ms. Spielman asked him to increase his offer again, he stood firm at \$14,000.

Ms. Claudia Eberly, 15 Cherrywood Drive, asked for the identification of the buyer and the buyer's intent on the use of the property. Mr. Savage said that his daughter, Jena Luginbuhl, is the buyer and the intent is to add a driveway to gain access to the rear lot.

MOVED (TURNER), SECONDED (COOK) AND PASSED UNANIMOUSLY TO ADOPT THE FOLLOWING RESOLUTION:

RESOLVED THAT THE BOARD OF SELECTMEN AUTHORIZES THE FIRST SELECTMAN TO SELL, IN THE NAME OF THE TOWN OF ELLINGTON, AN ELLINGTON TOWN-OWNED PARCEL LOCATED AT 14 CHERRYWOOD DRIVE AKA ASSESSOR'S LOT #140-015-0000 AND FOR A SELLING PRICE OF \$14,000 TO BUYER, JENA M. LUGINBUHL. FURTHER, THE BOARD OF SELECTMEN DIRECTS THE FIRST SELECTMAN TO PROCEED TO CLOSE THE SALE WITH THE TOWN ATTORNEY AND THE BUYER.

FURTHER RESOLVED THAT AS A CONDITION OF THE SALE OF THIS PROPERTY TO ANY PARTY, THE PROPERTY MUST BE COMBINED INTO THE OFFERING PARTY'S ADJACENT LAND, NOT TO BE SEVERED UNLESS AND UNTIL A RE-SUBDIVISION IS APPROVED BY THE PLANNING AND ZONING COMMISSION.

**C. Option to Buy: 99 Main Street, for Hall Memorial Library Parking**  
**a. Set Town Meeting Date**

MOVED (TURNER), SECONDED (STAVENS) AND PASSED UNANIMOUSLY TO AUTHORIZE THE FIRST SELECTMAN TO CALL A SPECIAL TOWN MEETING TO BE HELD IN THE MEETING HALL OF THE ELLINGTON TOWN HALL, 55 MAIN STREET IN ELLINGTON, CONNECTICUT, ON MONDAY, MAY 13, 2019 AT 7:00 P.M. FOR CONSIDERATION OF THE PURCHASE OF LAND KNOWN AS 99 MAIN STREET, ELLINGTON, AKA ASSESSOR'S LOT #063-016-0000, AND NOW OR FORMERLY OWNED BY RICHARD AND LORI ZIOMEK, CONSISTING OF APPROXIMATELY 0.76 ACRES, AND THE BUILDINGS AND IMPROVEMENTS THEREON AND APPURTENANCES THERETO, AT A PURCHASE PRICE OF \$255,000.

**VI. NEW BUSINESS**

**A. Tax Refunds/Abatements**

MOVED (TURNER), SECONDED (COOK) AND PASSED UNANIMOUSLY TO APPROVE THE TAX REFUNDS IN THE AMOUNT OF \$1,974.22 AS RECOMMENDED BY THE TAX & REVENUE COLLECTOR AND AS SPECIFIED IN THE REFUNDS/ABATEMENTS STATEMENT DATED APRIL, 2019. [ATTACHED]

**B. Grant Permanent Status: Thomas Modzelewski, DPW Foreman**

MOVED (TURNER), SECONDED (STAVENS) AND PASSED UNANIMOUSLY TO GRANT PERMANENT STATUS TO THOMAS MODZELEWSKI, DPW FOREMAN, AS RECOMMENDED BY THE DIRECTOR OF PUBLIC WORKS.

Ms. Spielman and Mr. Webb both praised the excellent job Mr. Modzelewski is doing in his role as DPW Foreman.

**C. State of CT File 047-119-002 Route 140 (Crystal Lake Road) Replacement Bridge 02668**

Mr. Palshaw, 120 Pinney Street, asked if this motion includes sightline work that has been discussed in reference to this project. Mr. Webb said that this motion is for two easements located by the bridge itself that the State needs from the Town. The sightline work is part of the project. Mr. Turner asked Mr. Webb if there is a timeline on this project; Mr. Webb said it's in the queue.

MOVED (TURNER), SECONDED (STOMBERG) AND PASSED UNANIMOUSLY TO ADOPT THE FOLLOWING RESOLUTION:

RESOLVED, THAT THE TOWN OF ELLINGTON BOARD OF SELECTMEN MAY ENTER INTO WITH, AND DELIVER TO, THE STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, BUREAU OF ENGINEERING AND CONSTRUCTION, ANY AND ALL DOCUMENTS WHICH IT DEEMS TO BE NECESSARY OR APPROPRIATE RELATED TO STATE PROJECT NO. 047-119-002 ROUTE 140 CRYSTAL LAKE ROAD REPLACEMENT BRIDGE #02668; AND

FURTHER RESOLVED, THAT LORI SPIELMAN, AS FIRST SELECTMAN OF THE TOWN OF ELLINGTON, IS AUTHORIZED AND DIRECTED TO EXECUTE AND DELIVER ANY AND ALL DOCUMENTS ON BEHALF OF THE TOWN OF ELLINGTON BOARD OF

SELECTMEN AND TO DO AND PERFORM ALL ACTS AND THINGS WHICH SHE DEEMS TO BE NECESSARY OR APPROPRIATE TO CARRY OUT THE TERMS OF SUCH DOCUMENTS.

**D. State of CT Administer Design Program: Strawberry Bridge over the Abbey Brook #06141**

Mr. Turner asked about the timeline on this project. Mr. Webb said that former Town Engineer, Jim Thompson, had been working on this project for a long time. It was added to the local bridge program that is federally funded and it was accepted. Engineering services were solicited through an RFP and J.R. Russo was selected however they did not meet the qualifications of the state's 50% in-house employment requirement.

Mr. Webb explained that the Town had set aside \$300,000 for this project. With the state doing the project it will cost \$1.2 million and the Town has a 20% requirement, for which the \$300,000 that has been set aside will be used. The Town will have to pay the money up front in either the year 2020 or 2021 and then get the reimbursement of the 80% from the state.

Mr. Turner asked Mr. Webb if there is a maintenance program to address the other bridges that are on the State report and Mr. Webb explained that there is an ongoing program.

MOVED (TURNER), SECONDED (STAVENS) AND PASSED UNANIMOUSLY TO ADOPT THE FOLLOWING RESOLUTION:

RESOLVED, THAT THE TOWN OF ELLINGTON BOARD OF SELECTMEN MAY ENTER INTO WITH, AND DELIVER TO, THE STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, BUREAU OF ENGINEERING AND CONSTRUCTION, ANY AND ALL DOCUMENTS WHICH IT DEEMS TO BE NECESSARY OR APPROPRIATE RELATED TO STATE ADMINISTERED DESIGN FEDERAL LOCAL BRIDGE PROGRAM, BRIDGE NO. 06141, STRAWBERRY BRIDGE OVER THE ABBEY BROOK; AND FURTHER RESOLVED, THAT LORI SPIELMAN, AS FIRST SELECTMAN OF THE TOWN OF ELLINGTON, IS AUTHORIZED AND DIRECTED TO EXECUTE AND DELIVER ANY AND ALL DOCUMENTS ON BEHALF OF THE TOWN OF ELLINGTON BOARD OF SELECTMEN AND TO DO AND PERFORM ALL ACTS AND THINGS WHICH SHE DEEMS TO BE NECESSARY OR APPROPRIATE TO CARRY OUT THE TERMS OF SUCH DOCUMENTS.

**E. Establish Ad Hoc Committee for the Robert Tedford Memorial**

MOVED (TURNER), , SECONDED (PRICHARD) AND PASSED UNANIMOUSLY TO ESTABLISH THE AD HOC COMMITTEE FOR THE ROBERT TEDFORD MEMORIAL TO REVIEW AND MAKE RECOMMENDATIONS TO THE BOARD OF SELECTMEN FOR A PROPER MEMORIAL IN HONOR OF LONG-TIME RECREATION DIRECTOR, ROBERT TEDFORD. SAID COMMITTEE SHALL CONSIST OF UP TO EIGHT (8) MEMBERS INCLUDING A FAIR MIX OF REPRESENTATION AS FOLLOWS: TWO (2) MEMBERS OF THE PARKS AND RECREATION COMMISSION; DUSTIN HUGUENIN, RECREATION DIRECTOR; TIMOTHY WEBB, DIRECTOR OF PUBLIC WORKS; FELICIA LAPLANTE, ACTING FINANCE OFFICER; LISA HOULIHAN, TOWN PLANNER AND UP TO TWO (2) MEMBERS OF THE TEDFORD FAMILY.

Ms. Spielman reported that this Committee is being established to review suggestions for one or more recommendations to the Board of Selectmen. She added that once the Committee makes

their recommendation to the BOS, it will be dissolved. There are a lot of people who are very passionate about making sure that an appropriate memorial to honor Mr. Tedford and his contributions to the Town is established.

Gordon Oliver, 114 Hoffman Road, said that as Chairman of the Parks and Recreation Commission, he submitted an application towards this project and he wants to be sure that it is included in the suggestions that will be considered. He said he will provide the First Selectman's Office with two names from the Parks and Recreation Commission following their April 18, 2019 meeting. He asked if Mrs. Tedford is aware of this Committee and Ms. Spielman said that she has spoken with Mrs. Tedford about it.

Mr. Turner said that the Personnel Committee and the BOS will add to the Ad Hoc Committee membership the names that are submitted to represent both the Parks and Recreation Commission and the Tedford family at their May meetings.

#### **F. Ice Cream Vendor Contract for Crystal Lake Sandy Beach 2019 Season**

MOVED (TURNER), SECONDED (FERRY) AND PASSED UNANIMOUSLY TO AUTHORIZE THE FIRST SELECTMAN TO AWARD THE CONTRACT TO NANA'S ICE CREAM, STAFFORD SPRINGS, CT FOR ICE CREAM VENDOR SERVICES AT SANDY BEACH FOR THE 2019 BEACH SEASON, AS RECOMMENDED BY THE ACTING FINANCE OFFICER.

#### **G. Department of Public Works Open House – May 23, 2019**

Mr. Webb said that DPW welcomes all residents to come in, enjoy a hot dog and chips, see the facility and meet the crew. This event will feature a Fill-A-Truck event for donations to the Ellington Food Bank. Last year, the Fill-A-Truck event gathered \$600 worth of food. Mr. Webb encouraged all to watch for details and to be sure to stop by. He added that there will be truck rides for the kids.

#### **H. 2019-2020 Annual Town Budget Meeting Notice**

MOVED (TURNER), SECONDED (COOK) TO SEND THE FOLLOWING ITEMS TO THE ANNUAL TOWN BUDGET MEETING, SCHEDULED FOR TUESDAY, MAY 14, 2019 AT 8:00 P.M., PREVAILING TIME, AT THE ELLINGTON HIGH SCHOOL, FOR CONSIDERATION:

1. To approve the 5-year road reconstruction/overlay repair plan [pursuant to CGS Sec. 13a-99], as recommended by the Director of Public Works.
2. To accept prepaid grants and funds fully reimbursable for the Fiscal Year commencing on July 1, 2019 and ending on June 30, 2020, and to appropriate the same to the Board of Education in a sum estimated at \$3,146,158, as recommended by the Board of Education.
3. To determine that municipal tax shall be paid in two (2) installments for real estate and personal property tax in excess of six hundred (600) dollars and motor vehicle tax to be paid in one (1) installment with designated due dates as stated in the Connecticut State Statutes, Sections 12-142, 12-144, 12-144a and Public Act 77-343, Section 2 and to waive any property tax due in an amount less than five (5) dollars as stated in the Connecticut State Statutes, Section 12-144c, as recommended by the Tax and Revenue Collector.
4. To enter into a 5-year lease agreement for the purchase of the EVFD Forestry Unit w/multi-purpose Class A Pumper in an amount not to exceed \$400,000.
5. Approval of Draft Legal Notice for Annual Town Budget Meeting

Prior to the completion of the reading of the motion, it was determined that item VI.H.4 was not on the agenda. Mr. Turner withdrew the above motion.

Mr. Turner made a motion to add item VI.H.4 to the agenda and to renumber VI.H.5 and VI.H.6.

MOVED (TURNER), SECONDED (COOK) AND PASSED UNANIMOUSLY TO ADD TO THE AGENDA ITEM VI.H.4. TO ENTER INTO A 5-YEAR LEASE AGREEMENT FOR THE PURCHASE OF THE EVFD FORESTRY UNIT WITH MULTI-PURPOSE CLASS A PUMPER IN THE AMOUNT NOT TO EXCEED \$400,000; AND TO RENUMBER AS FOLLOWS: VI.H.5 TO ADJOURN THE ANNUAL TOWN MEETING TO A REFERENDUM TO BE HELD ON MAY 28, 2019 FROM 6:00 A.M. TO 8:00 P.M. WITH ONE QUESTION: "SHALL THE TOWN OF ELLINGTON APPROPRIATE, AS RECOMMENDED AND AS ALLOCATED BY THE BOARD OF FINANCE, THE TOTAL SUM FOR ALL EXPENDITURES, A/K/A BUDGET GRAND TOTAL FOR THE FISCAL YEAR 2019-2020, \$60,738,684."; VI.H.6 APPROVAL OF DRAFT LEGAL NOTICE FOR ANNUAL BUDGET MEETING.

The Board of Selectmen discussed the pros and cons of sending the budget to referendum versus voting at the Annual Town Budget Meeting. There was concern voiced that the cost of holding a referendum is over \$5,000 and last year only 670 voters or 7% of the electorate exercised their right to vote. It was also discussed that the taxpayers should be offered the option of voting, even if they do not exercise that option. Mr. Turner said that the cost of the referendum is the cost of democracy.

The BOS decided that even though voter turnout has been very low, holding a referendum offers the taxpayers the opportunity to have a say in the budget process.

Ms. Busse asked if the BOS were to decide to hold a vote at the Town Meeting, can the citizens force a referendum. Mr. Prichard said that someone at the Town Meeting would have to make a motion and it would have to be voted on and pass at the Town Meeting to go to referendum.

MOVED (TURNER), SECONDED (STOMBERG) AND PASSED UNANIMOUSLY TO SEND THE FOLLOWING ITEMS TO THE ANNUAL TOWN BUDGET MEETING, SCHEDULED FOR TUESDAY, MAY 14, 2019 AT 8:00 P.M., PREVAILING TIME, AT THE ELLINGTON HIGH SCHOOL, FOR CONSIDERATION:

1. To approve the 5-year road reconstruction/overlay repair plan [pursuant to CGS Sec. 13a-99], as recommended by the Director of Public Works.
2. To accept prepaid grants and funds fully reimbursable for the Fiscal Year commencing on July 1, 2019 and ending on June 30, 2020, and to appropriate the same to the Board of Education in a sum estimated at \$3,146,158, as recommended by the Board of Education.
3. To determine that municipal tax shall be paid in two (2) installments for real estate and personal property tax in excess of six hundred (600) dollars and motor vehicle tax to be paid in one (1) installment with designated due dates as stated in the Connecticut State Statutes, Sections 12-142, 12-144, 12-144a and Public Act 77-343, Section 2 and to waive any property tax due in an amount less than five (5) dollars as stated in the Connecticut State Statutes, Section 12-144c, as recommended by the Tax and Revenue Collector.
4. To enter into a 5-year lease agreement for the purchase of the EVFD Forestry Unit w/multi-purpose Class A Pumper in an amount not to exceed \$400,000.
5. To adjourn the Annual Town Budget Meeting to a referendum to be held on May 28, 2019 from 6:00 a.m. to 8:00 p.m. with one question:

"SHALL THE TOWN OF ELLINGTON APPROPRIATE, AS RECOMMENDED AND AS ALLOCATED BY THE BOARD OF FINANCE, THE TOTAL SUM FOR ALL

EXPENDITURES, A/K/A BUDGET GRAND TOTAL FOR THE FISCAL YEAR 2019-2020, \$60,738,684.”

6. Approval of Draft Legal Notice for Annual Budget Meeting

MOVED (TURNER), SECONDED (COOK) AND PASSED UNANIMOUSLY TO APPROVE THE LEGAL NOTICE FOR THE ANNUAL TOWN BUDGET MEETING, AS VOTED ABOVE IN ITEM VI.H.5 AND TO INCLUDE THE SUM OF \$60,738,684, AS DETERMINED BY THE BOARD OF FINANCE.

**I. Fair Housing**

**1. Proclamation of April as Fair Housing Month in Ellington**

MOVED (TURNER), SECONDED (FERRY) AND PASSED UNANIMOUSLY TO ADOPT THE FOLLOWING PROCLAMATION, [ATTACHED]

WHEREAS, the month of April is recognized nationally as Fair Housing Month; and

WHEREAS, Fair Housing is important to ensure to all Americans the Right to live in a decent, safe and sanitary environment; and

WHEREAS, Fair Housing is the legal right of every American; and

WHEREAS, the Town of Ellington is proud to participate in the recognition and support of Fair Housing Month;

NOW, THEREFORE the Ellington Board of Selectmen DO HEREBY PROCLAIM April to be Fair Housing Month in Ellington, Connecticut.

April 15, 2019, Lori L. Spielman, First Selectman

**2. Fair Housing Resolution**

MOVED (TURNER), SECONDED (STAVENS) AND PASSED UNANIMOUSLY TO ADOPT THE FOLLOWING RESOLUTION, [ATTACHED]

Whereas, All persons are afforded a right to full and equal housing opportunities in the neighborhood of their choice; and

Whereas, Federal fair housing laws require that all individuals, regardless of race, color, religion, sex, handicap, familial status or national origin, be given equal access to all housing-related opportunities, including rental and homeownership opportunities, and be allowed to make free choices regarding housing location; and

Whereas, Connecticut fair housing laws require that all individuals, regardless of race, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, familial status, learning disability, physical or mental disability, sexual orientation, or gender identity or expression be given equal access to all housing-related opportunities, including rental and home ownership opportunities, and be allowed to make free choices regarding housing location; and

Whereas, the Town of Ellington is committed to upholding these laws, and realizes that these laws must be supplemented by an Affirmative Statement publicly endorsing the right of all people to full and equal housing opportunities in the neighborhood of their choice.

NOW THEREFORE, BE IT RESOLVED, That the Town of Ellington hereby endorses a Fair Housing Policy to ensure equal opportunity for all persons to rent, purchase, obtain financing and enjoy all other housing-related services of their choice on a non-discriminatory basis as provided by state and federal law; and

BE IT FURTHER RESOLVED, That the chief executive officer of the Town of Ellington or his/her designated representative is responsible for responding to and assisting any person who alleges to be the victim of an illegal discriminatory housing practice in the Town of Ellington and for advising such person of the right to file a complaint with the State of Connecticut Commission on Human Rights and Opportunities (CHRO) or the U.S. Department of Housing and Urban Development (HUD) or to seek assistance from the CT Fair Housing Center, legal services, or other fair housing organizations to protect his or her right to equal housing opportunities.

### 3. Fair Housing Policy Statement

MOVED (TURNER), SECONDED (COOK) AND PASSED UNANIMOUSLY TO ADOPT THE TOWN OF ELLINGTON FAIR HOUSING POLICY STATEMENT **[ATTACHED]** AS IT IS THE POLICY OF THE TOWN TO PROMOTE FAIR HOUSING OPPORTUNITIES AND TO ENCOURAGE RACIAL AND ECONOMIC INTEGRATION IN ALL ITS PROGRAMS AND HOUSING DEVELOPMENT ACTIVITIES.

## VII. ADMINISTRATIVE REPORTS

- A. Building Department
- B. Emergency Services
  - 1. Resident State Troopers' Office
  - 2. Ellington Volunteer Ambulance Corps
  - 3. Ellington Volunteer Fire Department
  - 4. Crystal Lake Fire Department
  - 5. Emergency Management Director
- C. Fire Marshal
- D. Hall Memorial Library: Ms. Busse mentioned that the Friends of the Library Bag of Books Sale will take place April 26-28, 2019
- E. Tax & Revenue Collector
- F. Town Planner
- G. Public Works Quarterly Report & 2019 Construction Season Work Schedule
- H. Human Services Department

## VIII. SELECTMEN COMMITTEE REPORTS

- A. Personnel Committee:
  - 1. Resignations:
  - 2. Appointments

MOVED (PRICHARD), SECONDED (COOK) AND PASSED UNANIMOUSLY TO APPOINT MAUREEN ECKELS TO THE AD HOC ELLINGTON BEAUTIFICATION COMMITTEE TO SERVE A ONE-YEAR TERM TO APRIL 30, 2020.



MOVED (PRICHARD), SECONDED (COOK) AND PASSED UNANIMOUSLY TO REAPPOINT KATHERINE HEMINWAY, KAY LUGINBUHL, CAROLE GERBER, JOE PALOMBIZIO AND ALYCE MAYER TO THE AD HOC ELLINGTON BEAUTIFICATION COMMITTEE TO SERVE ONE-YEAR TERMS TO APRIL 30, 2020.

MOVED (PRICHARD), SECONDED (COOK) AND PASSED UNANIMOUSLY TO REAPPOINT LAUREN DESROCHER, LOIS TIMMS-FERRARA, VALERIE AMSEL, RACHEL DEARBORN, ERIN STAVENS, CYNTHIA VAN ZELM, LINDA ANDERSON, CHERI MURPHY, PAM MCCORMICK AND JUDI MANFRE TO THE AD HOC ELLINGTON TRAILS COMMITTEE TO SERVE ONE-YEAR TERMS TO APRIL 30, 2020.

MOVED (PRICHARD), SECONDED (COOK) AND PASSED UNANIMOUSLY TO REAPPOINT FRANK ENGEL TO THE BUILDING CODE BOARD OF APPEALS TO SERVE A FIVE-YEAR TERM TO APRIL 30, 2024.

MOVED (PRICHARD), SECONDED (COOK) AND PASSED UNANIMOUSLY TO REAPPOINT AUDREY A. KUBAS, MARK BOONE AND WILSON D. FLYNN TO THE INSURANCE ADVISORY BOARD TO SERVE FOUR-YEAR TERMS TO APRIL 30, 2023.

MOVED (PRICHARD), SECONDED (COOK) AND PASSED UNANIMOUSLY TO REAPPOINT JEREMY T. GALEOTA TO THE WATER POLLUTION CONTROL AUTHORITY TO SERVE A FOUR-YEAR TERM TO APRIL 30, 2023.

MOVED (PRICHARD), SECONDED (COOK) AND PASSED UNANIMOUSLY TO APPOINT DANIEL FLANAGAN TO THE AD HOC EMERGENCY SERVICES COMMITTEE TO COMPLETE AN UNEXPIRED TERM ENDING FEBRUARY 29, 2020.

MOVED (PRICHARD), SECONDED (COOK) AND PASSED UNANIMOUSLY TO APPOINT BRYAN PLATT AS AN ALTERNATE TO THE ECONOMIC DEVELOPMENT COMMISSION TO COMPLETE AN UNEXPIRED TERM ENDING JANUARY 31, 2021.

MOVED (PRICHARD), SECONDED (COOK) AND PASSED UNANIMOUSLY TO APPOINT ATHERTON "JOE" RYAN TO THE HOUSING AUTHORITY TO COMPLETE AN UNEXPIRED TERM ENDING JUNE 30, 2020.

MOVED (PRICHARD), SECONDED (COOK) AND PASSED UNANIMOUSLY TO APPOINT ANTHONY CHAMBERLIN AS A STUDENT REPRESENTATIVE TO THE AD HOC PATRIOTIC COMMITTEE TO COMPLETE AN UNEXPIRED TERM TO DECEMBER 31, 2019.

#### **B. Town Policies Committee**

##### **1. Appointments to Boards, Commissions and Committees Policy Revisions**

MOVED (TURNER), SECONDED (STOMBERG) AND PASSED UNANIMOUSLY TO ADOPT THE PROPOSED REVISIONS TO THE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES POLICY AS RECOMMENDED BY THE TOWN POLICIES COMMITTEE (ATTACHED).

##### **2. Appointed Boards, Commissions and Committees Attendance Policy Revisions**

MOVED (TURNER), SECONDED (STOMBERG) AND PASSED UNANIMOUSLY TO ADOPT THE PROPOSED REVISIONS TO THE APPOINTMENTS TO BOARDS, COMMISSIONS, AND

COMMITTEES ATTENDANCE POLICY AS RECOMMENDED BY THE TOWN POLICIES COMMITTEE (**ATTACHED**).

3. Statement of Interest Application Revisions

Mr. Turner noted that the Town Policies Committee has changed "his" to "his/her" in addition to the changes that were presented to the BOS.

MOVED (TURNER), SECONDED (COOK) AND PASSED UNANIMOUSLY TO ADOPT THE PROPOSED REVISIONS TO THE TOWN OF ELLINGTON STATEMENT OF INTEREST APPLICATION FOR APPOINTMENT TO BOARDS, COMMISSIONS, AND COMMITTEES, AS RECOMMENDED BY THE TOWN POLICIES COMMITTEE (**ATTACHED**).

4. Purchasing Procedure/Financial Controls

Mr. Turner noted that the Town Policies Committee added the following: "and all vehicles regardless of their estimated value" to #5, last paragraph; the sentence now reads "A formal motion from the Board of Selectmen is required for equipment estimated over \$5,000 *and all vehicles regardless of their estimated value*".

MOVED (TURNER), SECONDED (COOK) AND PASSED UNANIMOUSLY TO ADOPT THE PROPOSED POLICY, PURCHASING PROCEDURE/FINANCIAL CONTROLS, AS PROPOSED BY FELICIA LAPLANTE, ACTING FINANCE OFFICER AND AS RECOMMENDED BY THE TOWN POLICIES COMMITTEE (**ATTACHED**).

5. Policy Regarding Canine Nuisance

MOVED (TURNER), SECONDED (STOMBERG) AND PASSED UNANIMOUSLY TO ADOPT THE PROPOSED POLICY REGARDING CANINE NUISANCE AS DEVELOPED IN CONCURRENCE WITH SGT. BRIAN SANTA, ELLINGTON RESIDENT STATE TROOPERS' SUPERVISOR AND BARBARA MURDACH, ANIMAL CONTROL OFFICER, AND AS RECOMMENDED BY THE TOWN POLICIES COMMITTEE (**ATTACHED**).

**IX. SELECTMEN LIAISON REPORTS:** There were no reports.

**X. FIRST SELECTMAN'S REPORT**

A. New Hires

- Stephanie Mather, Administrative Clerk, Town Clerk's Office

B. Resignations/Reorganization: There were none.

C. Appointments

- Bob Ouellette, Crew Chief Grounds

D. Other: Ms. Spielman reviewed the following:

- Human Trafficking Presentation – May 2, 2019: Ms. Spielman said that this program will be taking place at the Ellington High School gymnasium and that the speakers have been assembled. She added that she encourages residents to attend. Ms. Busse asked if this program is a duplicate of the one that was held in Tolland and Ms. Cannella responded that it is similar but with different speakers, based on their availability.

- First Selectman's Office Reorganization: Ms. Spielman stated that Ms. Cannella has moved into the Human Resources office and is handling those tasks as well as overseeing the functions of the First Selectman's Office. Ms. Spielman added that she has decided that the BOS Recording Secretary position will be handled by Ms. Cannella and a replacement is not being recruited at this time. Ms. Spielman said that union contracts are all in full swing and she is working to stagger the dates so they do not all expire at once in the future.

Ms. Connor has relocated to Ms. Cannella's previous desk and is picking up additional responsibilities; an agency temporary employee will be hired for 16-20 hours per week to handle routine clerical work to relieve Ms. Cannella and Ms. Connor from the increase in their respective workloads.

Ms. Spielman said that this structure is working very well and she will keep this setup in place and continue to evaluate the needs of the department.

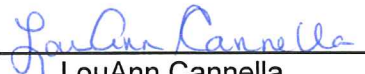
- Earth Day Reminder – April 27, 2019 at the Town Green. Many vendors have signed up. A large turnout is anticipated.
- Board of Education's Civility Program – Attended these programs; tonight was the third of the three-series program.
- Snipsic Village: Ms. Spielman reviewed the renovations that have been made at Snipsic Village. She said that she will provide pictures at the next meeting. She said she is very impressed with the outcome.
- JI Article: Ellington replied to all FOIA requests within three days, and Ms. Spielman thanked her office staff for keeping Ellington compliant with FOIA requests.
- Community Voice Channel will feature the Modern Milkman: Go to the website at [www.modernmilkman.com](http://www.modernmilkman.com) and see how it works. Farm fresh products are delivered to homes in Ellington and now expanding to nearby towns such as Stafford, Vernon, Tolland and Somers.

**XI. CORRESPONDENCE:** There was no correspondence.

**XII. ADJOURNMENT**

MOVED (STAVENS) SECONDED (PRICHARD) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING OF THE BOARD OF SELECTMEN AT 8:17 P.M.

Submitted by

  
LouAnn Cannella  
Recording Secretary

Approved by

  
Lori Spielman  
First Selectman



STATE OF CONNECTICUT – COUNTY OF TOLLAND  
INCORPORATED 1786



## TOWN OF ELLINGTON

55 MAIN STREET – PO BOX 187  
ELLINGTON, CONNECTICUT 06029-0187  
TEL 870-3100 FAX 870-3102  
[www.ellington-ct.gov](http://www.ellington-ct.gov)

### FAIR HOUSING PROCLAMATION

WHEREAS, the month of April is recognized nationally as Fair Housing Month; and

WHEREAS, Fair Housing is important to ensure to all Americans the Right to live in a decent, safe and sanitary environment; and

WHEREAS, Fair Housing is the legal right of every American; and

WHEREAS, the Town of Ellington is proud to participate in the recognition and support of Fair Housing Month;

NOW, THEREFORE the Ellington Board of Selectmen DO HEREBY PROCLAIM April to be Fair Housing Month in Ellington, Connecticut.

April 15, 2019

Date

Lori L. Spielman, First Selectman



EQUAL HOUSING  
OPPORTUNITY



# TOWN OF ELLINGTON

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## FAIR HOUSING RESOLUTION TOWN OF ELLINGTON

- Whereas, All persons are afforded a right to full and equal housing opportunities in the neighborhood of their choice; and
- Whereas, Federal fair housing laws require that all individuals, regardless of race, color, religion, sex, handicap, familial status or national origin, be given equal access to all housing-related opportunities, including rental and homeownership opportunities, and be allowed to make free choices regarding housing location; and
- Whereas, Connecticut fair housing laws require that all individuals, regardless of race, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, familial status, learning disability, physical or mental disability, sexual orientation, or gender identity or expression be given equal access to all housing-related opportunities, including rental and home ownership opportunities, and be allowed to make free choices regarding housing location; and
- Whereas, The Town of Ellington is committed to upholding these laws, and realizes that these laws must be supplemented by an Affirmative Statement publicly endorsing the right of all people to full and equal housing opportunities in the neighborhood of their choice.

**NOW THEREFORE, BE IT RESOVED,** That the Town of Ellington hereby endorses a Fair Housing Policy to ensure equal opportunity for all persons to rent, purchase, obtain financing and enjoy all other housing-related services of their choice on a non-discriminatory basis as provided by state and federal law; and

**BE IT FURTHER RESOLVED,** That the chief executive officer of the Town of Ellington or his/her designated representative is responsible for responding to and assisting any person who alleges to be the victim of an illegal discriminatory housing practice in the Town of Ellington and for advising such person of the right to file a complaint with the State of Connecticut Commission on Human Rights and Opportunities (CHRO) or the U.S. Department of Housing and Urban Development (HUD) or to seek assistance from the CT Fair Housing Center, legal services, or other fair housing organizations to protect his or her right to equal housing opportunities.

Adopted by the Town of Ellington on April 15, 2019

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Lori L. Spielman, First Selectman



EQUAL HOUSING  
OPPORTUNITY

STATE OF CONNECTICUT – COUNTY OF TOLLAND  
INCORPORATED 1786



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## **Fair Housing Policy Statement**

It is the policy of the Town of Ellington to promote fair housing opportunities and to encourage racial and economic integration in all its programs and housing development activities.

Programs funded and administered by the Town must comply with the provisions of Section 46a-64c of the C.G.S., and with related state and federal laws and regulations that prohibit discriminatory housing practices.

The Town of Ellington or any of sub-recipient of the Town will carry out an affirmative marketing program to attract prospective buyers or tenants of all majority or minority groups, without consideration of race, color, religion, sex, national origin, ancestry, creed, sexual orientation, gender identity or expression, marital status, lawful source of income, disability, age or because the individual has children in all programs and housing development activities funded or administered by the Town.

The Town of Ellington's Human Services Department is responsible for the enforcement and implementation of this policy. The Fair Housing Officer, Joy Hollister, may be reached by telephone at **860.870.3128**, by mail at 31 Arbor Way, P.O. Box 187, Ellington, CT 06029 or by email at [\*\*jhollister@ellington-ct.gov\*\*](mailto:jhollister@ellington-ct.gov).

Complaints pertaining to discrimination in any program funded or administered by the Town of Ellington may be filed with the Ellington Human Services Department. The municipality's Grievance Procedure will be utilized in these cases.

Complaints may also be filed with the Commission on Human Rights and Opportunities, Special Enforcement Unit, 21 Grand Street, Hartford, CT 06106, Telephone (860) 541-3403 within 180 days of the alleged violation by submitting a notarized complaint and/or the Boston Regional Office of FHEO, U.S. Department of Housing and Urban Development, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Room 321, Boston, MA 02222-1092, Telephone (617) 994-8300 or 1-800-827-5005, TTY (617) 565-5453. A complaint may be filed with HUD within one year after an alleged violation. Additionally, an individual may file suit, at his/her expense, in Federal District Court or State Court within two years of an alleged violation. If the individual cannot afford an attorney, the Court may appoint one. A suit can be brought even after filing a complaint, if the complaining party has not signed a conciliation agreement and an Administrative Law Judge has not started a hearing. A court may award actual and punitive damages and attorney's fees and costs.

It is the policy of the Town of Ellington to promote fair housing opportunities and to encourage racial and economic integration in all its programs and housing development activities.

Programs funded and administered by the Town of Ellington must comply with the provisions of Section 46a-64c of the C.G.S. as amended, and with related state and federal laws and regulations that prohibited discriminatory housing practices.

The Town of Ellington, or any sub-recipient of the Town of Ellington, will carry out an affirmative marketing program to attract prospective buyers or tenants of all majority or minority groups, without consideration of race, color, religion, sex, national origin, ancestry, creed, sexual orientation, marital status, lawful source of income, disability, age or because the individual has children in all programs and housing development activities funded or administered by the Town of Ellington.

A copy of this policy statement will be given annually to all Ellington employees and they are expected to fully comply with it. In addition, a copy will be posted throughout Ellington's Town Hall.

April 15, 2019

Date

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Lori L. Spielman, First Selectman

**THIS STATEMENT IS AVAILABLE IN LARGE PRINT OR ON AUDIO TAPE by contacting Ellington's Human Services Department, 55 Main Street, PO Box 187, Ellington, CT. 06029-0187, Phone 860.870.3128.**





# **TOWN OF ELLINGTON**

## **Policies & Procedures**

### **APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

1. Persons wanting to serve on appointed boards, commissions or committees must fill out a Statement of Interest Form.
2. Completed forms must be submitted to the First Selectman's Office.
3. All completed Statements of Interest will be forwarded to the Board of Selectmen Personnel Committee for consideration and recommendation to the full Board of Selectmen.
4. The Board of Selectmen will act on recommended appointments.
5. The First Selectman's Office staff will notify the Town Clerk of all appointments.
6. The First Selectman will inform applicants of action taken by the Board of Selectmen either by mail or email. If appointment was approved, he/she will be instructed of the necessity of being sworn in by the Town Clerk, if applicable. The Chairman of the Board, Commission or Committee will be notified of appointments by copy of the correspondence to the newly appointed member along with the new member's contact information.

The newly appointed member will be sent a current meeting schedule, the contact information of the Chairman of the Board, Commission or Committee to which he/she was appointed and a copy of the Code of Ethics. The newly appointed member must return the Acknowledgement of Receipt of the Code of Ethics.

BOS Approved: 02/09/1987  
BOS Revised: 04/15/2019

# **TOWN OF ELLINGTON**

## **Policies & Procedures**

### **Attendance Policy** **Appointed Board, Commission and Committee Members**

1. Any person appointed by the Board of Selectmen to a Town board, commission or committee having alternate members shall be expected to attend 75% of said board, commission or committee regular meetings; i.e., 9 out of 12 monthly meetings.
2. Any person appointed by the Board of Selectmen to a Town board commission or committee, not having alternate members, shall be expected to attend 80% of said board commission or committee meetings; i.e., 10 out of 12 monthly meetings.
3. Members not meeting these standards shall be subject to removal from the board, commission or committee by two-thirds vote of the Board of Selectmen.
4. Prior to removal, the member shall receive one letter of warning.
5. The removal process may be initiated by the board, commission or committee or by the Board of Selectmen.
6. Minutes of said board, commission, or committee shall be used to determine attendance.
7. This policy shall not apply to any person duly elected at any regular or special election.



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## BOARD OF SELECTMEN

### STATEMENT OF INTEREST

in serving on a Town Board, Commission, or Committee

NAME: \_\_\_\_\_

ADDRESS (HOME): \_\_\_\_\_

(BUSINESS): \_\_\_\_\_

(E-MAIL): \_\_\_\_\_

TELEPHONE: (HOME) \_\_\_\_\_ (BUSINESS) \_\_\_\_\_ (CELL) \_\_\_\_\_

Registered Voter<sup>1</sup>: ☐ Democrat ☐ Republican ☐ Unaffiliated ☐ Other: \_\_\_\_\_

<sup>1</sup> Per Section 902 of the Town Charter, no person shall be eligible for appointment to any regular town board or commission, except the Building Code Board of Appeals or any Ad Hoc Committee, who is not, at the time of his/hers appointment, an elector of said town and any person ceasing to be an elector of said town shall thereupon forfeit his/hers membership on said board or commission.

Board/Commission/Committee of interest: \_\_\_\_\_

- Briefly explain your reasons for being interested in serving your town in this capacity:

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- Note the qualifications you have which you think will be an asset to the town agency in which you are interested:

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Please be advised that all town officials must comply with Section 1303 of the Town Charter-Conflict of Interest: "Any elected or appointed officer, any member of any board or commission, or any employee of the town who has a financial interest direct or indirect, in any contract, transaction or decision of any officer or agent of the town or any board or commission, shall disclose that interest to the Board of Selectmen for recording upon their official records and any such person shall be thereby disqualified from participation in the awarding, assignment or discussion of any contract, transaction, or decision. Violation of this provision shall be grounds for the removal of any such person." Should you be appointed to serve on a town board, commission or agency, you would be required to comply with these regulations.

By signing below I certify that I understand and accept Section 1303 of the Town of Ellington Charter, the Attendance Policy (printed on back) and the Code of Ethics and agree to abide by such.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

# TOWN OF ELLINGTON

## Policies & Procedures

### PURCHASING AND FINANCIAL CONTROLS

1. All departments, boards and commissions shall be required to submit to the Finance office purchase order requests. Purchase order requests will be required for all purchases over five thousand (\$5,000) dollars.

Purchase order requests are then checked against stated account numbers/balances. If funds are available, the purchase order is prepared. If there are not sufficient funds or the account number is not appropriately indicated, the Finance Office shall return the request to the department, board or commission.

Each purchase order request shall be sent via email to the Finance Officer and Assistant Finance Officer with the following information:

- Quote if applicable
- Vendor Information (Name, Address, Phone Number)
- Dollar Amount
- Account Number

For those departments, boards and commissions that need to purchase emergency items on the weekend, the Finance Office must be contacted on the following Monday in order to prepare a purchase order.

Purchase orders shall be encumbered in the accounting system to assure authorized appropriations are not exceeded.

2. All vendors will be required to send statements and invoices to the Finance Office unless a Department is given written permission by the Finance Officer to have statements and invoices sent directly to the individual department's attention.
3. Utility invoices shall be sent to the Finance Office for payment as soon as boards, commissions and departments receive them.
4. For any purchase estimated at twenty-five thousand dollars (\$25,000) or more, the Finance Officer shall invite sealed bids unless the Board of Selectmen shall decide it to be against the best interest of the Town (Sections 1111 of the Town Charter). Should the bidding procedure be waived, all quotations or proposals submitted should be recorded. The reason for waiving the bidding procedure and the awarding of a contract or purchase to a vendor shall be recorded in the minutes of the Board of Selectmen. (Note: \$25,000 threshold does not match the Town Charter Section 1111, however it does match the Town Code Section 28-1 and it is

the threshold set by the State of CT State Statute 7-148v and therefore, is applicable to this policy).

For Contracts/Purchases that Fall Under the RFP/Bid Process:

1. The Department Head shall provide the Finance Office with RFP specifications, deadlines, and name of Project Coordinator for review.
2. The Finance Office shall prepare a legal notice and final RFP documents.
3. The Project Coordinator shall hold the mandatory pre-bid meeting.
  - a. All changes shall be made in the form of addendums.
4. The Finance Office shall receive bids/proposals and shall hold until the public bid opening.
5. The Finance Office shall prepare a bid tabulation and will work with the Department Head/Project Coordinator to determine the recommendation to be submitted by the Finance Officer to the First Selectman; the First Selectman will add the item to the Board of Selectmen agenda for review/approval.
6. The Board of Selectmen shall act upon the information provided and award the contract or approve the purchase.
7. The Finance Officer will prepare the contract for the First Selectman's signature.
8. Copies of the fully executed contract will be provided to the vendor, the Department Head, the First Selectman's Office and the Finance Office.

5. Disposal of Surplus or Obsolete Property:

This procedure is for the disposition of property, other than real estate, which is surplus to the needs of the Town. Employees, former employees or related organizations shall not receive any preferential treatment in the disposal or Sale of Town surplus materials.

The Finance Officer is responsible for the administration of this procedure. The Finance Officer shall coordinate the disposition of surplus property, and shall aid the Board of Selectmen in determining the best method of disposal. The Finance Officer shall dispose of the property in the manner specified and shall ensure that the proper fund is credited with any resulting proceeds.

Surplus is defined as any tangible personal property owned by the Town, which is not needed at present, or for the foreseeable future, or that is no

longer of value or use to the Town. Items included are those found, purchased or received as gifts.

The head of any using department may declare supplies or equipment held by such department to be surplus. Such declaration shall be in writing and the written declaration shall be delivered to the Finance Officer, who shall maintain a written inventory for circulation to, and review by each using Town department. If any using department has use of such property, the using department may request reassignment of such property from the Finance Officer. The Finance Officer shall have the authority to assign the property to the using department best able to make use of such property, after the inventory has been circulated once, the property shall be deemed surplus.

The Finance Officer will recommend to the Board of Selectmen the means to dispose of the surplus. A formal motion from the Board of Selectmen is required for equipment estimated over \$5,000 and all vehicles regardless of their estimated value. The Finance Officer shall have the authority to exchange, trade, sell, or recycle any items estimated under \$5,000 without Board of Selectmen approval.

6. Deposits shall be submitted to the Finance Office on the Thursday of each payroll week. These deposits shall be confirmed by the Accounting Specialist or Administrative Assistant and the Assistant Finance Officer. The armored service contracted by the Town of Ellington shall transport said deposit to the Town's bank and the Assistant Finance Officer shall send each department the bank confirmation of said deposit.
7. Payroll is to be approved and submitted by Department Supervisors on Monday no later than noon of each payroll week.
8. Accounts Payable items must be submitted by Tuesday at noon of the non-payroll week for bi-weekly accounts payable check runs. Accounts Payable items must include original invoice if applicable, appropriate charge code and Department Supervisor signature. Reimbursements must include all applicable documentation for the reimbursement. Mileage Reimbursements must be submitted at least monthly and include Mileage Reimbursement Request Form, MapQuest with mileage, along with up to date insurance/license documentation. The Town will not reimburse for purchased gift cards. The purchase of gift cards on a Town account is prohibited.
9. Should the Finance Officer observe any departure from Purchasing Procedure/Financial Controls described above, he/she shall report said departure to the Board of Selectmen Auditing Committee for disposition.

BOS Approved: 08/22/94  
BOS Revised: 02/10/03  
BOS Revised: 12/16/13  
BOS Revised: 04/15/19

# TOWN OF ELLINGTON

## Policies & Procedures

### POLICY REGARDING CANINE NUISANCE

**PURPOSE:** The Town of Ellington hereby adopts a policy, pursuant to Connecticut General Statutes Sec. 22-363, generally prohibiting residents from owning or harboring a dog or dogs which is or are a nuisance.

**GENERAL INFORMATION:** Section 22-363 of the Connecticut General Statutes states that no person shall own or harbor a dog or dogs which is or are a nuisance by reason of vicious disposition or excessive barking or other disturbance, or, by such barking or other disturbance, is or are a source of annoyance to any sick person residing in the immediate vicinity. Violation of any provision of this section shall be an infraction for the first offense and such person shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both for each subsequent offense and the court or judge may make such order concerning the restraint or disposal of such dog or dogs as may be deemed necessary.

The Board of Selectmen ("BOS") reserves the right to change in whole or in part this policy, or repeal in its entirety, at any time without a public hearing.

**STEPS TO REPORT A NUISANCE CANINE (DOG):** Often times, many pet owners are unaware that their dog(s) are causing an inconvenience to others. Once aware, they may voluntarily correct the problem. We ask that neighbors consider arriving at an amicable conclusion prior to Animal Control's involvement.

#### Step 1

If a neighborly attempt to address the problem fails, the Ellington Animal Control Officer (ACO) or Assistant ACO will issue a courtesy verbal warning to the dog owner, as well as provide suggestions on how the owner may be able to modify the dog(s) behavior.

Once this courtesy verbal warning has been issued, 48 hours are allowed for the dog(s) owner to receive the information and correct the problem before the next step is taken.

If Animal Control is not contacted after the verbal warning is issued, it will be assumed that the problem has been solved and no further action will be taken.

## Policy Regarding Canine Nuisance

### **Step 2**

If the canine nuisance problem is not corrected after 48 hours, a formal complaint may be filed, at which time the ACO or Assistant ACO will issue a written warning to the dog(s) owner.

If Animal Control is not contacted after the written warning is issued, it will be assumed that the problem has been solved and no further action will be taken.

### **Step 3**

If the canine nuisance problem is not corrected after the written warning has been issued, the ACO or Assistant ACO will request a Canine Nuisance Log be initiated. The log should reflect substantial continuous nuisance behavior and be kept for 7-10 days within a 30 day period.

A completed log is required in order to proceed to Step 4.

Once completed, a copy of the Canine Nuisance Log must be provided to the ACO or Assistant ACO. After submission of this log, a second written warning will be issued to the dog owner.

### **Step 4**

If the nuisance behavior continues after the second written warning, the ACO or Assistant ACO will then issue a citation of \$75 to the dog(s) owner.

The dog owner may choose to pay the infraction or contest it in a court of law, at which time the reporting party will need to appear in court, willing to testify, with the Canine Nuisance Log and a statement.

### **Step 5**

If the nuisance behavior continues, the reporting party will need to provide additional evidence of continuing nuisance violations. With sufficient evidence of a **new** violation, the ACO or Assistant ACO will issue a misdemeanor summons.

The courts will decide the amount of any fines and any progressive consequences to remedy the canine nuisance.

As in Step 4, the reporting party will also need to appear in court, willing to testify, with the Canine Nuisance Log and a statement.

BOS ADOPTED: 04/15/2019